

U.S. Arms Control and Disarmament Agency

§ 604.4

- 604.13 Penalties.
- 604.14 Attorney fees.
- 604.15 Disclosure of information.
- 604.16 Final denial of claim.
- 604.17 Action on approved claims.

AUTHORITY: 28 U.S.C. 2672; 28 CFR 14.11.

SOURCE: 33 FR 14593, Sept. 28, 1968, unless otherwise noted.

§ 604.1 Definitions.

Agency. Agency means the United States Arms Control and Disarmament Agency.

Act. Act means Federal Tort Claims Act, as amended, codified in title 28 of the United States Code, sections 2671 to 2680.

Attorney. Attorney means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia (Representation Before Federal Agencies, 5 U.S.C. 500(b)).

Employee. Employee includes anyone serving in the Agency as:

(a) A person appointed by the President and confirmed by the Senate to a position in the Agency.

(b) A person appointed by the Director or by his designee to a position in the Agency.

(c) A special Government employee appointed by the Director or his designee to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full time or intermittent basis (18 U.S.C. 202).

Federal agency. Federal agency includes the executive departments, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

State. State means a State, a territory or possession of the United States including a Commonwealth, or the District of Columbia.

§ 604.2 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, for money damages against the United States for injury, or loss of property or

personal injury or death caused by the negligent or wrongful act or omission of any employee of the Agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

§ 604.3 Exceptions.

As provided in section 2680 of the Act, claims not compensable hereunder include:

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(c) Any claim arising in a foreign country.

§ 604.4 Administrative claim; when presented.

(a) For the purposes of the provisions of section 2672 of the Act and of this part, a claim shall be deemed to have been presented when the Agency receives, in the office designated in paragraph (b) of this section, an executed "Claim for Damage or Injury", Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury or death alleged to have occurred by reason of the incident. The claimant may, if he desires, file a brief with his claim setting forth the law or other arguments in support of his claim. In cases involving claims by more than one person arising from a single accident or incident, individual claim forms shall be used. A claim which should have been presented to the Agency, but which was mistakenly